

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MIGUEL GARCIA, JR.,

Petitioner,

v.

C. SCHUYLER,

Respondent.

Case No. 1:25-cv-0251 JLT SAB (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
PETITION FOR WRIT OF HABEAS
CORPUS AS AN UNAUTHORIZED
SUCCESSIVE PETITION, AND DIRECTING
THE CLERK OF COURT TO CLOSE THE
CASE

(Doc. 12)

Miguel Garcia, Jr., is a state prisoner, proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The magistrate judge performed a preliminary review pursuant to Rule 4 of the Rules Governing Section 2254 Cases and found “the instant petition is ‘second or successive’ under § 2244(b)” because “Petitioner previously filed a federal habeas petition in this Court challenging the same conviction, and that petition was denied on the merits.” (Doc. 12 at 2, citing *Garcia v. Horel*, Case No. 1:07-cv-01105-VRW (E.D. Cal. Nov. 9, 2009).) Because Petitioner did not obtain leave from the Ninth Circuit to file a successive petition, the magistrate judge determined this Court lacks jurisdiction. (*Id.*) Therefore, the magistrate judge recommended the Court dismiss the petition. (*Id.*)

The Court served the Findings and Recommendations on Petitioner and notified him that any objections were due within 30 days. (Doc. 12 at 3.) The Court advised him that the “failure to file any objections within the specified time may waive the right to appeal the District Court’s

1 order.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Petitioner did
2 not file objections, and the time to do so has passed.

3 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
4 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
5 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations issued on April 8, 2025 (Doc. 12) are
7 **ADOPTED** in full.
- 8 2. The petition for writ of habeas corpus is **DISMISSED** without prejudice.
- 9 3. The Clerk of Court is directed to enter judgment and close the case.

10
11 IT IS SO ORDERED.

12 Dated: **June 12, 2025**


UNITED STATES DISTRICT JUDGE